

STATE'S WITNESS - CHARLIE LAMBERT - (DIRECT)

1 THE WITNESS: I do.

2 THE COURT: Thank you.

3 **CHARLIE LAMBERT**

4 **called on behalf of the State, having been first duly**
5 **sworn, testified as follows:**

6 **DIRECT EXAMINATION**

7 BY MS. BECKER:

8 Q Sir, would you please introduce yourself to our
9 jury?

10 A I'm Charlie Lambert.

11 Q Mr. Lambert, where do you live right now?

12 A I live out at Overlook Apartments on 19.

13 Q Is that here in Elkhart County?

14 A Yes. Just outside the city limits.

15 Q Outside the city of Elkhart?

16 A Yeah. Just barely outside the city.

17 Q Okay. Where did you live in November of 2002?

18 A I was living at Overlook.

19 Q Okay. Same place you are now?

20 A Yeah.

21 Q Prior to living at the Overlook, where did you
22 live?

23 A I lived at Waterfall Highrise fifth floor.

24 Q We're having trouble hearing you a little bit.

25 A I'm sorry.

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1 Q That's okay. If you could just speak as loud as
2 you can so we can all hear you. Did you indicate
3 you lived at the Waterfall?

4 A Yes, I did.

5 Q How long did you live at the Waterfall Highrise?

6 A About four and a half years.

7 Q Do you recall when you moved there?

8 A Vaguely.

9 Q Do you recall when you moved out?

10 A It was September of 2001.

11 Q Okay. So in September of 2001, is that when you
12 moved to the Overlook?

13 A Yes.

14 Q Did you still maintain some friendships with
15 individuals who lived at the Waterfall?

16 A Yeah, one or two.

17 Q One or two. I'd like to draw your attention to
18 November 28 of 2002, that would be Thursday,
19 Thanksgiving Day of 2002. All right. First of
20 all, where were you during the day that day?

21 A I was between home and then my relatives up in
22 Michigan.

23 Q Okay. Whereabouts in Michigan were you relatives
24 located?

25 A Adamsville.

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1 Q What did you do at your relatives that day?

2 A We had a family dinner, you know, socializing.

3 Q Do you recall what time you left your relative's
4 house in Michigan?

5 A Somewhere between probably six and quarter after.

6 Q On your way home that evening, did you make any
7 stops?

8 A One.

9 Q Where?

10 A It was at the Highrise.

11 Q Why did you stop that Highrise Thanksgiving
12 evening?

13 A I'm not really sure other than to see some friends.

14 Q Okay. Did you feel like visiting a little bit?

15 A Yeah. I was in no rush to get home.

16 Q Okay. Was it a holiday kind of making you feel
17 warm?

18 A Yeah.

19 Q All right. When -- who specifically were you
20 hoping to see at the highrise?

21 A I think it might have been Randy.

22 Q Okay. Do you remember Randy's last name?

23 A Skofferland (phonetic).

24 Q Do you recall what time it was when you got to the
25 highrise that evening?

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1 A Probably 25 after, 6:30.

2 Q How long did it take to get to the highrise from
3 your relatives in Michigan?

4 A About 15, maybe a few more minutes.

5 Q So it was pretty close. When you got to highrise,
6 where did you -- well, first of all, how did you
7 get there? What kind of vehicle did you use?

8 A I was driving a Toyota Camry at the time.

9 Q When you arrived, where did you park your car?

10 A In one of the visitor's spots in one of the
11 handicap areas I think.

12 Q Well, did you have anyone with you at the time?

13 A Nope.

14 Q Did you see anyone outside walking around when you
15 arrived?

16 A One person.

17 Q Who was that?

18 A The defendant there, Lana.

19 Q Okay. You just identified someone as Lana and then
20 used your finger to point. First of all, you're
21 going to have to speak up a little bit more.

22 Sorry. How do you know a person by the name of
23 Lana?

24 A I met her when I was living there.

25 Q Living where?

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1 A At Waterfall.

2 Q Okay. And when you refer to Lana, do you know her
3 last name?

4 A I do, but I'm not sure how to pronounce it.

5 Q Okay. How do you -- do your best shot?

6 A Canon I would assume.

7 Q Okay. Do you see -- you've indicated you see her
8 in the courtroom today. Would you describe what
9 she is wearing so that the record knows who you're
10 talking about it?

11 A It looks like a pink blouse.

12 Q Okay. Where is she seated in the courtroom?

13 A Over here to my left.

14 MS. BECKER: To your left. Would the record
15 please reflect this witness has identified the defendant
16 Lana Canen.

17 THE COURT: The record will so reflect.

18 BY MS. BECKER:

19 Q As you drove up, parked your car, and saw the
20 defendant Lana Canen outside the highrise, did you
21 stop and talk to her at that point?

22 A Probably for a couple minutes.

23 Q Okay. What did you do next?

24 A I went inside, signed in.

25 Q Did you visit with anyone while you were inside?

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- 1 A Yeah. There was some people in the TV room.
- 2 Q Do you remember who you spoke to in the TV room?
- 3 A Maybe one, and she has since past on.
- 4 Q Okay. Do you know someone by the name of Flo
- 5 Macioce?
- 6 A Yes, I do.
- 7 Q Do you remember if you saw her in the TV room when
- 8 you got there?
- 9 A No, I don't.
- 10 Q No you didn't see her, or no you don't remember?
- 11 A I don't remember.
- 12 Q Where did you go from the TV room?
- 13 A I might have talked to a of couple ladies that were
- 14 in the laundry room.
- 15 Q Did you see your friend Randy?
- 16 A I don't believe he was there now that I think about
- 17 it.
- 18 Q At some point, then, did you leave the Highrise?
- 19 A Yes, I did.
- 20 Q What did you do when you left the Highrise?
- 21 A The more I think about it, I -- I probably took
- 22 somebody somewhere.
- 23 Q Who did you take somewhere?
- 24 A Once again, it would have been the defendant.
- 25 Q I'm sorry. I can't hear you.

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1 A I'm sorry. It would have been the defendant.

2 Q Okay. Which defendant are we talking about?

3 A Lana.

4 Q Lana. Where did you take Lana after you left the
5 highrise?

6 A Over off Oslo and Bristol Road to her boyfriends.

7 Q Any idea what time of day it was when you drove the
8 defendant over to Oslo?

9 A Probably somewhere between quarter of and seven.

10 Q And when you say quarter of, you're referring
11 quarter till seven, seven o'clock?

12 A Yes.

13 Q Okay. How was Lana behaving when you left the
14 highrise and still saw her outside?

15 A I'd have to say probably normal like anybody else,
16 you know, just hanging out there, you know, whether
17 it's just to relax. I don't know.

18 Q What did you see her doing?

19 A When I drove up?

20 Q Yes.

21 A Like, standing right at the main entrance, went to
22 the east end of the building like she was looking
23 around the corner, and did the same going to the
24 west.

25 Q Okay. How many times did you observe her do that?

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1 A At least two each way.

2 Q Okay. After you came out of the highrise from
3 being inside visiting, was she still walking back
4 and forth?

5 A No. She was waiting to talk to me again.

6 Q And when you came out, did you stop and talk to
7 her?

8 A Yeah.

9 Q Did she ask you any questions?

10 A If I could take her somewhere.

11 Q And did you agree to do that?

12 A Yes.

13 Q Did you drive your car to do that?

14 A Yes.

15 Q Anybody else leave with you?

16 A No.

17 Q Do you know if anybody saw you leave?

18 A If there was anybody down in the -- in the -- the
19 main entrance area, it would have been somebody
20 from there if anybody; and possibly the people in
21 the TV room.

22 Q Okay. Did you and the defendant, Lana Canen, talk
23 at all between the time you left the highrise until
24 the time you got out to Bristol and Oslo Road?

25 A I'm sure we did.

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1 Q Do you recall what the conversation was about?

2 A No. She was just trying to describe to me how to
3 get out to where I was taking her. That's the only
4 thing I can say.

5 Q Did you talk about anything else?

6 A I have no recollection of that.

7 Q Was there anything about the way she was behaving
8 while you were driving that made you uncomfortable?

9 A No.

10 MR. ZOOK: Objection, your Honor. This is
11 leading.

12 THE COURT: Well --

13 MS. BECKER: It doesn't suggest an answer.

14 THE COURT: I'm not sure it's leading. His
15 answer was no. Do you want the answer stricken or --

16 MR. ZOOK: No. I'm withdrawing my objection.

17 THE COURT: You're withdrawing your objection.
18 All right.

19 BY MS. BECKER:

20 Q Do you recall whether the defendant, Lana Canen,
21 had anything with her in her hands while you saw
22 her when you took her out to --

23 A One large duffel bag I'd say about that long about
24 that high.

25 Q Okay. So the record reflects what your hands were

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1 just doing, how wide would you say your fingers
2 were apart?

3 A Between 18 and 20 inches.

4 Q And how tall were you reflecting?

5 A Maybe between four to six or maybe taller.

6 Q Do you recall what color that bag was?

7 A Black, white and red.

8 Q Had you seen that bag before or a bag like it?

9 A I had seen one like it.

10 Q Okay. What kind of a bag would you characterize it
11 as?

12 A It's one of those special offer duffel bags.

13 Q From what company?

14 A It was from Marlboro.

15 Q Okay. After you took Lana out to Bristol and Oslo
16 Road somewhere around 6:45, 7:00 o'clock p.m. that
17 night, a few days later did you come back to the
18 highrise?

19 A I might have.

20 Q Do you recall speaking to Flo Macioce in the
21 laundry room?

22 A Yes, I do.

23 Q Okay. What did you say to Flo Macioce?

24 A We were talking about what had transpired.

25 Q Okay. What did you say to her, do you remember?

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1 A Other than I was surprised to see what had
2 happened.

3 Q What are you referring to?

4 A The passing of Helen.

5 Q What else do you remember talking to Flow about?

6 A I had made a statement to her saying I -- I guess I
7 wish I hadn't got involved but yet I was.

8 Q What do you mean by that?

9 A That I had showed up there that night and took the
10 defendant out to her boyfriend's.

11 Q Who are you referring to?

12 A Lana.

13 Q Did Lana say anything to you on that trip that made
14 you nervous?

15 A I am -- I'm not sure but I -- on that.

16 Q Okay. A few days later you're talking to Flo, do
17 you remember what else you said to her?

18 A No, I don't.

19 Q Do you remember asking her about keys?

20 A About what?

21 Q Keys.

22 A No.

23 Q Okay. Do you remember asking Flo not to say
24 anything about your taking Lana?

25 MR. ZOOK: Objection, your Honor, this is

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1 leading.

2 THE COURT: It is leading. Objection will be
3 sustained.

4 BY MS. BECKER:

5 Q Do you remember saying anything else to Flo about
6 Lana?

7 A No, I don't.

8 Q Did you have any concern that someone had seen you
9 drive Lana from the Waterfall?

10 A I don't remember having any concern about who saw
11 me.

12 MS. BECKER: May I have just a moment, please.

13 (An off-the-record discussion was held
14 between counsel for the state.)

15 MS. BECKER: No further questions. Thank you.

16 THE COURT: Mr. Zook, any questions.

17 **CROSS-EXAMINATION**

18 BY MR. ZOOK:

19 Q Charles, do you remember what the weather was that
20 evening, Thanksgiving evening when you gave Lana a
21 ride?

22 A Probably a little bit on the cool side.

23 Q Okay. Was it raining or not?

24 A No, it wasn't.

25 Q It wasn't?